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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,229	05/28/2002	Nensuke Tanaka	08566.0002	2650
22852 7590 12/21/2006 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER BASIT, ABDUL	
			ART UNIT 3694	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/21/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/031,229		TANAKA ET AL.	
	Examiner		Art Unit	
	Abdul Basit		3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/06/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The following term is unclear, inexact or in the specification:

- "...range on the day is up to 00 yen below or above..." *Specification, page 2*

¶ 4.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

4. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claim 2 and 3 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

6. Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is indefinite because it states "stock price of said name." It is unclear what stock price of said name means.

9. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 is indefinite because it states "almost continuously."

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1-6, 9-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Berckmans (US Pat. No. 6,876,981). Berckmans teaches a method and system for analyzing and comparing financial investments.

- ***Regarding Claims 1-3:***

- Berckmans teaches a step of updating and storing information on stock prices (Column 4 lines 8-9).
- Berckmans teaches a step of inputting on or more conditions concerning stock prices to be notified to a customer. (Column 4 lines 1-8).
- Berckmans teaches a condition step of detecting whether a stock price satisfies one or more conditions. (Column 4 lines 10-16).
- Berckmans teaches a notification step when one or more conditions are satisfied, that notifies the customer. (Column 4 lines 10-16).

- ***Regarding claim 4:***

Berckmans teaches price trends (Column 4 lines 1-9).

- ***Regarding claim 5:***

Berckmans teaches a condition step of detecting whether a stock price satisfies one or more conditions. (Column 4 lines 10-16).

- ***Regarding claim 6:***

Berckmans teaches continuous determination of a satisfied condition.
(Column 4 lines 58-67).

- ***Regarding claim 9:***

Berckmans teaches notification to multiple emails. (Column 4, lines 62-64)

- ***Regarding claim 10:***

Berckmans teaches a notification information database that includes a condition file and a notification destination file. (Column 4 generally).

- ***Regarding claim 11:***

Berckmans teaches a condition detection server that includes a means of temporarily storing conditions, means for receiving stock price fluctuation information and means for outputting. (Column 4 lines 1-18).

- ***Regarding claim 12:***

Berckmans teaches a customer terminal for transmitting and receiving stock price information, displaying a screen for promoting to input one or more conditions concerning stocks prices. (Column 5 lines 59-63).

- ***Regarding claim 13:***

Berckmans teaches a customer terminal for transmitting and receiving stock price information, having electronic mail that can be transmitted. (Column 5 lines 1-16).

- ***Regarding claim 15 and 16:***

-Berckmans teaches a transmission system for stock price information that includes a notification information database. (Column 4 generally).

-Berckmans teaches a stock price storage server for updating and storing stock price. (Column 4 lines 8-9).

-Berckmans teaches a stock price notification mail server for transmitting electronic mail to customer when stock price satisfies pre-determined conditions. (Column 4 lines 10-16).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berckmans in view of "Stock trading goes wireless," by Wesley Iverson (Financial Services Online, November, 1998).

- ***Regarding claim 7:***

Berckmans teaches notification of stock price by email, but does not teach a home page that is linked to a market. Iverson suggests a home page that is linked to a market:

"Given the explosive growth in online trading...watchers see wireless Internet trading and market data delivery services as the next logical step for the online brokerage industry." (page 24).

It would be obvious to one of ordinary skill in the art at the time of applicant's invention to combine Berckmans with Iverson. Motivation to combine exists, because a home page linked to a market would allow a user to obtain additional information for potential stock quotes.

- ***Regarding claim 8:***

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berckmans in view of Iverson. Berckmans teaches notification of stock price by

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email, but does not teach a link to a stock buying and selling form. Iverson suggests a link to a stock buying and selling form:

"The system allows investors to....manage their portfolios, and place trades..." (page 24).

It would be obvious to one of ordinary skill in the art at the time of applicant's invention to combine Berckmans with Iverson. Motivation to combine exists, because a user would be able to make a buy/sell decision upon viewing financial information.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berckmans in view of Iverson. Berckmans does teach the ability to input conditions. (Column 4 lines 1-8). Berckmans does not teach a stock buying and selling form. Iverson does suggest a link to a stock buying and selling form:

"The system allows investors to....manage their portfolios, and place trades..." (page 24).

It would be obvious to one of ordinary skill in the art at the time of applicant's invention to combine Berckmans with Iverson. Motivation to combine exists, because a user would be able to make a buy/sell decision upon viewing financial information.

Conclusion

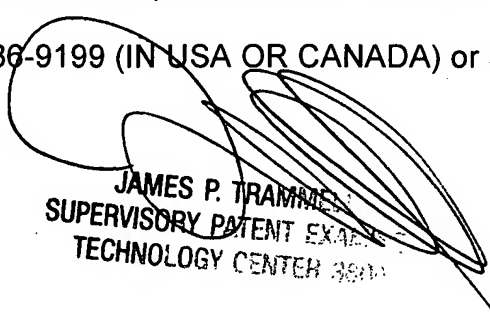
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AQB



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